

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

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U.S. DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
2013 NOV 15 P 12:08

ROBIN REPASKY,

Plaintiff,

vs.

PFIZER, INC., TOM MALICK, ERIC
DIGIOSO,

Defendants.

No. 2:12-cv-03331-RMG-BHH

ORDER

This matter comes before the Court on the Report and Recommendation (R & R) of the Magistrate Judge (Dkt. No. 31), recommending that Defendant Pfizer's Motion to Dismiss and to Strike (Dkt. No. 16) be denied.

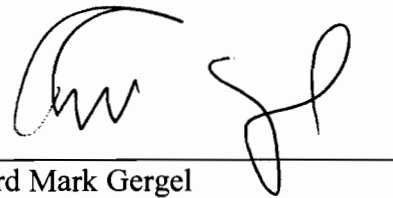
This action was originally filed on November 20, 2012, (Dkt. No. 1), and referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(g) DSC. Pfizer filed a Motion to Dismiss and Strike, claiming that a number of allegations in the complaint are time-barred, that Plaintiff failed to plead a viable constructive discharge claim and failed to plead a viable breach of contract claim, and that certain allegations in the complaint should be stricken under Rule 12(f). (Dkt. No. 16.) The Magistrate Judge recommended that this motion be denied in its entirety. (Dkt. No. 31.) No party filed objections to the R & R.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or

modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made. Here, however, because no objection has been made, this Court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P 72 advisory committee note). Moreover, in the absence of specific objections to the R&R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

The Court has carefully reviewed the pleadings, the parties' briefing, and the R & R, and concludes that the Magistrate Judge correctly applied the relevant law to the operative facts in this matter. The Court, therefore, ADOPTS the Magistrate Judge's Report and Recommendation, (Dkt. No. 31), as the order of this Court. Accordingly, Pfizer's Motion to Dismiss and Strike (Dkt. No. 16) is DENIED.

IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

November 15, 2013
Charleston, South Carolina